



Striving for an inclusive labour market in Greece

Positive actions and reasonable accommodation to facilitate hiring and employment of persons with disabilities involving employers and employer initiatives

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Positive actions and reasonable accommodation to facilitate hiring and employment of persons with disabilities involving employers and employer initiatives

Eleni Strati

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1 Executive summary

1.1 Support and incentives directed at employers to promote the employment of persons with disabilities, including guides on good practice, websites and advice services

The main measures to incentivise employers to employ persons with disabilities are quotas and wage subsidies, while there is a solid legal framework for the provision of reasonable accommodation.

Under Law 2643/1998, public and private entities employing over 50 staff are required to ensure an employment quota of persons with disabilities (whose disability has been assessed at 50 % or over), as well as of the parents, siblings or spouses of persons with disabilities (assessed at 67 % or over), totalling 2 % and 3 % of overall staff in the public and private sectors respectively. Vacancies and placements are managed by the Public Employment Service and the Ministry of Labour. Private sector businesses may be excluded under circumstances of limited operation and/or financial loss.

In addition, under Law 2643/1998 (Article 3(1)), public services, including local authorities, may exceptionally appoint persons with disabilities without an open call procedure at a 5 % quota of total regular and/or open contract placements. More recently, Law 4440/2016 established a quota of 10 % of vacancies advertised in municipalities to be covered by persons with disabilities (assessed at over 50 %).

Moreover, wage subsidy programmes have periodically been made available by the Public Employment Service. Such programmes cover 90 % of the total salary cost and apply to both public and private sector businesses employing persons with disability (assessed at 50 % or over) who have been registered as unemployed in the past two years.

Law 4443/2016 (integrating EU Directives 2000/43 and 2000/78) and Law 4488/2017 (Article 61), which serve as the legal framework for implementing the United Nations Convention on the Rights of Persons with Disabilities (UN CRPD), set out the obligation of employers to provide reasonable accommodation as long as they are not disproportionately encumbered.

The guide entitled *Information/Sensitization Guide for Businesses/Employers on Issues related to the Employment of Persons with Disabilities*, which was published by the National Confederation of Persons with Disabilities (NCPD) (Athens, 2020) in the framework of the Regional Operational Programme of Central Macedonia (2014-2020) and co-funded by the European Social Fund (ESF), is the only guide of its kind available.

There are no other sources of good practice, websites or advice services aimed at employers regarding the employment of persons with disabilities.

Employment quotas in the public sector under Law 2643/1998 have only been periodically implemented. Evidence suggests that the level of compliance in the private sector is sparse. Since 1998, there has been just one procurement, which was never completed, and individuals may only exercise this right through judicial procedures.

There is similarly little evidence about the effectiveness of the wage subsidy scheme. Between 2020 and 2021 a total of 1 616 recruitments had been registered under this programme. There is no evidence available yet regarding the effectiveness of other actions for promoting the employment of persons with disabilities, such as awareness raising.

1.2 Support and partnerships available to employers to assist them in making reasonable accommodations

Beneficiaries of the Public Employment Service wage subsidy programme (i.e. businesses, trade associations and municipal agencies of public or private law) are further entitled to financial support to make reasonable accommodations in the workplace for enabling access to employees with disabilities, including assistive technology, workspace adjustment and specialised software. The programme covers 90 % of related expenditure (up to EUR 2 500). This is currently the only source of funding for making reasonable accommodations at the workplace.

There is no partnership related specifically to reasonable accommodation. Nevertheless, as a first step towards mainstreaming disability in employment policies and programmes, which implicitly or explicitly involve the provision of support for reasonable accommodation, the Public Employment Service established a working group with the active participation of the National Confederation of Persons with Disabilities in the framework of the National Action Plan for the Rights of Persons with Disabilities 2020. This is the first partnership of this kind in the country.

The available data shows a slow absorption of funds. Following the latest call under the wage subsidy programme in September 2020, 12 out of 50 available individual funding opportunities for reasonable accommodation have been covered.

1.3 Illustrative examples of good employer practice for providing reasonable accommodations for persons with disabilities

In the framework of the Regional Operational Programme of Central Macedonia (2014-2020), co-funded by ESF, a more detailed, step-by-step guide on implementing reasonable accommodation named *Guide on the Employment of Persons with Disabilities* was published by NCPD (Athens, 2019).

No other sources of information on good practice for employers regarding reasonable accommodation were identified.

There is no evidence of the effectiveness of the good practice guides and other sources of information.

1.4 Recommendations

The advertisement of job vacancies should reflect a company's preparedness to recruit candidates with disabilities, using channels accessed by persons with disabilities including support organisations and representative bodies. For newly recruited staff with disabilities, timely provision of reasonable accommodation based on individualised needs assessment is critical. Employers are advised to follow the exact same procedures and criteria for appraising all employees with disabilities, while

ensuring that there have been necessary adaptations for them to exercise their duties, as well as equal access to professional development opportunities. Some examples of retaining staff who developed an impairment during their employment with a company include a change in the nature of duties (e.g. from manual to back-office work), re-training on specific procedures or subject matter, a change of location of the workplace closer to the person's residence (if possible), and the instigation of flexible working hours.

2 Support and incentives directed at employers to promote the employment of persons with disabilities, including guides on good practice, websites and advice services

2.1 Employment quotas

Under Law 2643/1998, public and private entities employing over 50 staff are obliged to comply with employment quota of persons with disabilities (whose disability is assessed at 50 % or over)¹ and of parents, siblings or spouses of persons with disabilities (assessed at 67 % or over), totalling 2 % and 3 % of overall staff in the public and private sectors respectively.²

The law contains an exception from the quota scheme and a related obligation to retain persons employed under the quota scheme for private businesses which have demonstrated a loss in the previous two financial years, or that have declared a halt of operations or an inability to make a profit (Article 2(1)). This is decided on a case-by-case basis by the Regional Director of the Public Employment Service.

The Ministry of Labour and Social Affairs, in collaboration with regional Public Employment Service offices, is responsible for advertising positions and managing placements under the quota scheme (Law 2643/1998), even for the private sector.

There is no data available to ascertain the level of compliance with quota legislation, particularly for the private sector.³ In fact, the Greek Ombudsman, in its second special report on the rights of the persons with disabilities, points out there had been only one call for vacancies in the private sector in 2008 under Law 2643/1998, which was never fulfilled, while the Ministry of Labour has not yet responded to an ongoing inquiry regarding the reactivation of the employment quota scheme for the private sector.⁴

Nevertheless, legal experts commenting on relevant case law confirm that, apart from public procurement processes, individuals can exercise the right to be hired under quota employment legislation:

[However], there have been a number of judgments in cases brought by individuals who were not hired, where public or private enterprises are condemned for not applying the quotas and are ordered to pay compensation

¹ Single table for defining disability percentage (*Government Gazette* 5987B/2018), <https://www.elinyae.gr/lexeis-kleidia/eniaios-pinakas-prosdiorismoy-posostoy-anapirias>.

² Law 2643/1998 on the Employment of persons of special categories and other regulations (Articles 1 and 2). Other social groups covered by this legislation include households with four children or more, persons with disabilities, individuals who have survived war and individuals who took part in national resistance against the 1967 dictatorship. See <https://www.oaed.gr/storage/n-2643/2643-98.pdf>.

³ European network of legal experts in gender equality and non-discrimination (2021), *Country Report: Non-discrimination: Transposition and implementation at national level of Council Directives 2000/43 and 2000/78: Greece*, European Commission, p. 64, <https://www.equalitylaw.eu/downloads/5488-greece-country-report-non-discrimination-2021-1-37-mb>. See also *Employment and Entrepreneurship Guide for Persons with Disabilities* (2020), https://www.esamea.gr/component/cck/?task=download&collection=article_filegroup_accessible_p df&xi=0&file=article_file&id=5194.

⁴ Greek Ombudsman (2021), *Special Report: The Rights of Persons with Disabilities* (reference year 2020), <https://www.synigoros.gr/el/category/eidikes-ek8eseis/post/dikaiwmata-twn-atomwn-me-anaphries:-eidikh-ek8esh-2020-2>, p. 53.

and hire the individual. This means that an individual disabled person has a right to be hired under the quota.⁵

In addition, under Law 2643/1998 (Article 3(1)), public services, including local authorities, may exceptionally appoint candidates from protected social groups (including persons with disabilities) without an open call procedure at a 5 % quota of total regular and/or open contract placements. Applicants are prioritised according to criteria (using a point system) related to age, disability percentage, family status and financial status.

A call for approximately 2 090 placements in the public sector under Article 3 of Law 2643/1998 was published in September 2021.⁶ It is worth noting that, whilst the law provided for placements to be advertised annually, the implementation of relevant procedures has proved extremely time consuming. In particular, the previous call (before 2021) was made in 2014, following extensive lobbying by the National Confederation of Persons with Disabilities.⁷ More recently, Law 4440/2016 established a quota of 10 % of vacancies advertised in municipalities to be covered by persons with disabilities (assessed at over 50 %), which was applied in a series of related calls in 2019 and 2020.⁸

2.2 Tax relief / reduced social security contributions / wage subsidies for employers employing persons with disabilities

There are no measures for tax relief or reduced social security contributions for employers who employ persons with disabilities. Regulations for accessing statutory sick pay, paid directly by the social security body after the first three days of absence from work, apply to all employees, with no specific measures for persons with health conditions or an impairment.⁹ Employers who employ persons with disabilities can access wage subsidy schemes.

Law 2643/1998 (Article 8) first established the possibility of providing incentives to employ persons with disabilities in public entities as well as private entities, which are regularly funded by the state (over 50 % from the annual budget) or where the state owns 51 % of shares, in the form of wage subsidies and contributions to expenses for reasonable accommodation, as well as 'ethical rewards', which may involve a distinction or financial award. However, the law did not specify the terms and conditions, or the procedure, for accessing this support. It only stated that this is decided by the Ministry of Labour following endorsement of such requests made to the Public Employment Service Board.

⁵ European network of legal experts in gender equality and non-discrimination (2021), *Country Report: Non-discrimination: Transposition and implementation at national level of Council Directives 2000/43 and 2000/78: Greece*, p. 64.

⁶ See: <https://www.oaed.gr/idikes-koinonikes-omades?tab=enimerwseis-skhetika-me-to-n264398&tab2=prokirykseis-2021-ghia-tin-pirosi-theseon-toy-arthroy-3-toy-n264398&tab3=>.

⁷ Disability Observatory of the National Confederation of Persons with Disabilities (NCPD) (2020), *Annual Disability Report 2020*, <https://www.paratiritirioanapirias.gr/el/results/publications/63/e8nikh-ek8esh-gia-thn-anaphria-etoys-2020>, p. 98.

⁸ NCPD Disability Observatory, *Annual Disability Report 2020*, <https://www.paratiritirioanapirias.gr/el/results/publications/63/e8nikh-ek8esh-gia-thn-anaphria-etoys-2020>, p. 98.

⁹ National Social Security Agency, information on sickness benefit, <https://www.efka.gov.gr/el/epidoma-astheneias>.

In practice, wage subsidy programmes have periodically been made available through open calls published by the Public Employment Service, funded by its regular budget. The current programme applies to private sector businesses, trade associations, regional and local authorities and businesses of private or public law, i.e. public sector organisations exercising financial activities that may employ persons with disability (assessed at 50 % or over) who have been registered as unemployed in the past two years.¹⁰

The latest call was in February 2020, and up to November 2021 a total of 1 616 recruitments had been registered.¹¹ The programme covers up to 90 % of employers' salary costs for a period of 12 months, with a possibility for extension for another year.¹² It is worth noting that the latest call explicitly aimed to promote stronger incentives for employing individuals from vulnerable social groups by increasing the wage subsidy from 70 % to 90 % of total costs and the actual ceiling from EUR 700 (for full-time employment) and EUR 350 (for part-time employment) to EUR 800 and EUR 400 respectively, while employers are no longer required to retain staff following the end of the subsidy programme (with the exception of those who had been registered as long-term unemployed).¹³ The programme also covers expenditure for reasonable accommodation (see Section 3.1).

The National Confederation of Persons with Disabilities (NCPD) has recommended that disability representative organisations, currently excluded by the wage subsidy scheme, become eligible, considering 'the high percentage of persons with disabilities excluded from the labour market' and 'the fact that private sector employers hardly employ persons with disabilities', as well as the sector's contribution to improving the employment situation of persons with disabilities through co-funded programmes.¹⁴

2.3 Reasonable accommodation

Law 4443/2016, integrating EU Directives 2000/43 and 2000/78 (among others), forbids any direct or indirect discrimination in the field of employment on the grounds of disability, including 'denial of reasonable accommodation' (Article 3), and it contains an obligation to ensure reasonable accommodation so long as employers are not disproportionately encumbered (Article 5).¹⁵ The law applies to the public and private

¹⁰ Ministry of Labour, Common Ministerial Decision, August 2017, [https://www.oaed.gr/documents/10195/1214512/%CE%95%CE%9A%CE%9F%20\(2017\)%20KYA.pdf](https://www.oaed.gr/documents/10195/1214512/%CE%95%CE%9A%CE%9F%20(2017)%20KYA.pdf).

¹¹ This includes individuals from other protected social groups such as individuals completing rehabilitation from addiction or a jail sentence, survivors of domestic abuse and delinquent youth. Ministry of Labour and Social Affairs (2021), 'Employment Policies for Persons with Disabilities', https://primeminister.gr/wp-content/uploads/2021/11/politikes_apasxolhshs_gia_atoma_me_anaphria.pdf.

¹² Ministry of Labour and Social Affairs, 'Employment Policies for Persons with Disabilities'.

¹³ Gerapetritis, G. (Minister of State) (25.11.2021), *Annual Implementation Report on the National Action Plan for the Rights of Persons with Disabilities*, <https://amea.gov.gr/action-report>, p. 56.

¹⁴ NCPD, Recommendations for enhancing the policies and actions of the Public Employment Service for persons with disabilities, 08.07.2020, <https://www.esamea.gr/our-actions/yeka/4874-protaseis-tis-e-s-a-mea-gia-tin-anabathmisi-ton-politikon-kai-draseon-toy-o-a-e-d-gia-ta-atoma-me-anapiria-i-kai-xronies-pathiseis>.

¹⁵ Law 4443/2016 on the Integration of EU Directive 2000/43 regarding the implementation of the principle of equal treatment regardless of racial or ethnic origin, and EU Directive 2000/78 for shaping a general framework for equal treatment in employment,

sectors and covers access to employment, i.e. the recruitment and selection processes, access to vocational training, working conditions and membership of trade unions or any other professional body.¹⁶

Furthermore, Law 4488/2017, in serving as a legal framework for implementing the United Nations Convention on the Rights of Persons with Disabilities (UN CRPD), states in Article 61:

‘Every employer must ensure equal exercise of rights of persons with disabilities in the workplace, taking proactive measures as well as avoiding any action that may violate such rights. More specifically, they must lift existing barriers of any kind; comply with the principles of universal design in their field of activity to ensure accessibility of infrastructure, services and/or goods offered; provide, where needed on a case by case basis, reasonable accommodation without disproportionate or unjustified burden; abstain from practices, criteria, habits and behaviours that imply discrimination against persons with disabilities; promote positive measures for the equal participation and exercise of rights of persons with disabilities in their area of work’.¹⁷

2.4 Other relevant actions targeted at employers

The Regional Operational Programme of Central Macedonia (2014-2020) was the first to fund a series of actions aimed at mainstreaming disability inclusion at both regional and local levels, including through raising awareness on a rights-based approach to disability among regional and local authorities and employers. The programme included actions such as technical meetings on universal design and reasonable accommodation as prerequisites for social inclusion, as well as forums for promoting the employment of persons with disabilities.¹⁸

Furthermore, training sessions for approximately 100 Public Employment Service staff on active labour policies for the inclusion of vulnerable social groups in employment were implemented by the Training Institute of the National Centre of Public Administration between October 2020 and February 2021.¹⁹

https://www.synigoros.gr/resources/N4443_2016.pdf, adapted from EDE DOTCOM, Greece, Section F1 (Non-discrimination in employment).

¹⁶ European network of legal experts in gender equality and non-discrimination (2021), *Country Report: Non-discrimination: Transposition and implementation at national level of Council Directives 2000/43 and 2000/78: Greece*, p. 8.

¹⁷ Law 4488/2017 on Public Sector Pension reforms, employees protection, the rights of persons with disabilities and other regulations, <https://www.esamea.gr/legal-framework/laws/3572-nomos-4488-2017-syntaxiodotikes-rythmiseis-dimosioy-kai-loipes-asfalistikes-diataxeis-enisxysi-tis-prostasias-ton-ergazomenon-dikaiomata-atomon-me-anapiries-kai-alles-diataxeis>.

¹⁸ Regional Operational Programme of Central Macedonia (2014-2020). The latest call for tender, published on 17 February 2022, amounted to EUR 325 618.07, covering 12 months within a wider project called ‘Holistic approach to combating discrimination and promoting social inclusion of persons with disabilities, persons with chronic illness and their families residing in Central Macedonia’, funded by the Regional Operational Programme of Central Macedonia (2014-2020), https://www.esamea.gr/downloads?task=download&collection=article_filegroup&xi=0&file=article_file&id=5742.

¹⁹ Minister of State (2021), *Annual Implementation Report on the National Action Plan for the Rights of Persons with Disabilities*, <https://amea.gov.gr/action-report>, p. 57.

2.5 Examples of good practice

The wage subsidy programme (2021) may represent good practice, based on the following features:

- it is funded by the regular budget of the Public Employment Service;
- it links with funding for reasonable accommodation, which is exclusively available through the wage subsidy programme;
- it targets long-term unemployed persons with disabilities who have not equally benefited from active labour policies.²⁰

To enhance the effectiveness of the wage subsidy programme, the following recommendations have been put forward by the National Confederation of Persons with Disabilities:²¹

- include disability representative organisations under entities eligible to participate in the wage subsidy scheme;
- mainstream coverage of expenditure for reasonable accommodation in all programmes managed by the Public Employment Service;
- provide additional incentives to render the programme more attractive in comparison to wage subsidy programmes applying to the general population, such as tax relief.

2.6 Good practice guides, websites and advice services directed at employers

There are no websites or advice services promoting good practice around the employment of persons with disabilities that are directed at employers. A freely available, up-to-date and rights-based guide targeting businesses and employers in Greece was implemented in the framework of the Regional Operational Programme of Central Macedonia (2014-2020), which was co-funded by ESF. This is the only available guidance of this kind, and it forms part of a 'comprehensive and multilevel intervention' for combating discrimination and promoting disability inclusion on a regional authority level, addressing policy makers, employers, businesses, trade unions and persons with disabilities. The guide serves as a tool for raising awareness on the right to employment for persons with disabilities, focusing on the legally binding obligations of employers, counteracting stereotypes and mainstreaming disability in work organisational culture.²²

Firstly, the guide uses a definition of disability aligned with the UN CRPD, as ratified by Greece by Law 4074/2012. It further makes reference to the right to work, as

²⁰ Greek Ombudsman (2019a), *Report on Implementation of UN CRPD* (ar.72 L. 4488/2017), first report, https://www.synigoros.gr/resources/ohe_el--2.pdf, p. 29. For a detailed analysis, please see also EDE EU Semester Country Report (Greece), 2020.

²¹ NCPD, Recommendations for enhancing the policies and actions of the Public Employment Service for persons with disabilities, 08.07.2020, <https://www.esamea.gr/our-actions/yeka/4874-protaseis-tis-e-s-a-mea-gia-tin-anabathmisi-ton-politikon-kai-draseon-toy-o-a-e-d-gia-ta-atoma-me-anapiria-i-kai-xronies-pathiseis>.

²² European Centre of Constitutional Law (2020), *Information/Sensitization Guide for Businesses/Employers on Issues related to the Employment of Persons with Disabilities*, NCPD, Athens, https://www.esamea.gr/component/cck/?task=download&collection=article_filegroup_accessible_pdf&xi=0&file=article_file&id=5193.

established constitutionally (Greek Constitution, Articles 21 and 22) and under the CRPD (Article 27), and it details employers' duties according to Law 4488/2017 (Article 61(1)) and Law 4443/2016 (please see Section 2.3 for details). It is worth noting that the guide lists 'refusal to provide reasonable accommodation' as a form of indirect discrimination, amongst concepts such as 'harassment', or 'discrimination due to relationship' with a person with disability.²³

The guide promotes disability inclusion as beneficial to employers in terms of 'enhanced reputation and public image', 'opening up to a wider consumer audience' and 'enhanced innovation'.²⁴ It raises awareness on different types of barriers in accessing the labour market, such as physical, technological, information and communication and administrative obstacles, and it outlines tools for lifting those barriers. It includes, for instance, an accessibility checklist for self-assessment, covering aspects such as parking spaces, furniture, software and web accessibility, reasonable accommodation (individualised adaptations) and awareness raising among employees.

For creating a business environment that is friendly to persons with disabilities, the guide promotes the following measures: putting in place an internal policy for ensuring equal treatment of employees, making use of quota and wage subsidy programmes, prioritising candidates with disabilities who meet the requirements for a position, making necessary adaptations in the workspace and built environment as well as ensuring accessibility of internal information/communication processes and business products, and, finally, budgeting for reasonable accommodation and staff awareness training.

The guide does not contain examples of good practice. There is not any evidence available at the time of writing this report regarding the guide's reception and effectiveness.

²³ European Centre of Constitutional Law, *Information/Sensitization Guide*, p. 7.

²⁴ European Centre of Constitutional Law, *Information/Sensitization Guide*, p. 9.

3 Support and partnerships available to employers to assist them in making reasonable accommodations

3.1 Support available to employers for making reasonable accommodation

Businesses, trade associations and municipal agencies of public or private law exercising financial activities, which employ persons with disabilities through the Public Employment Service wage subsidy programme (please see Section 2.2), are further entitled to financial support to make reasonable accommodation in the workplace for enabling access to employees with disabilities, including through assistive technology, workspace adjustment, specialised software and so on. The programme covers 90 % of related expenditure (up to EUR 2 500 per applicant).²⁵ Following the latest call in September 2020, 12 out of 50 available individual funding opportunities for reasonable accommodation have been covered.²⁶

There are no other schemes for providing support to employers in relation to reasonable accommodation. Data from implementation shows a slow rate of absorption of funds. The Greek Ombudsman has pointed to a lack of awareness and willingness to implement reasonable accommodation among employers:

‘In most of the cases investigated in 2019, the measures or reasonable adjustments which had to be considered by businesses to ensure appropriate working conditions for all staff were simple and almost self-evident. Nevertheless, several businesses were reluctant to adopt even such easy measures.’²⁷

According to national statistical data (2018), 85 % of persons with disabilities in employment reported that their workplace had not provided or funded reasonable adjustments.²⁸

3.2 Partnerships to assist employers to make reasonable accommodations

The Public Employment Service established a working group for mainstreaming disability in its policies and programmes with the active participation of the National Confederation of Persons with Disabilities in the framework of the National Action Plan for the Rights of Persons with Disabilities 2020.²⁹ This is the first partnership of this kind in the country. The working group assessed the recommendations put forward by NCPD and submitted a technical report to the Ministry of Labour in March 2021.

²⁵ Ministry of Labour, Common Ministerial Decision, August 2017, [https://www.oaed.gr/documents/10195/1214512/%CE%95%CE%9A%CE%9F%20\(2017\)%20KYA.pdf](https://www.oaed.gr/documents/10195/1214512/%CE%95%CE%9A%CE%9F%20(2017)%20KYA.pdf).

²⁶ Minister of State (2021), *Annual Implementation Report on the National Action Plan for the Rights of Persons with Disabilities*, <https://amea.gov.gr/action-report>, p. 56.

²⁷ Greek Ombudsman (2019c), *Special Report on Equal Treatment* (reference year 2018), https://www.synigoros.gr/resources/docs/ee_im_2019_el.pdf, p. 63.

²⁸ NCPD Disability Observatory (2020), Disability Statistical Press Release, 28 January 2020, p. 100 – based on National Statistical Data (EU SILC additional disability module 2019), <https://www.paratiritirioanapirias.gr/el/results/publications/46/eyrwbarometro-gia-tis-diakriseis-sthn-ee-faneres-kai-kryfes-antihpseis-gia-thn-anaphria-sthn-ellhnikh-koinh-gnwmh>.

²⁹ Minister of State (2021), *Annual Implementation Report on the National Action Plan for the Rights of Persons with Disabilities*, <https://amea.gov.gr/action-report>, p. 56.

To increase the participation of employers in wage subsidy programmes connected with support for making reasonable accommodations at the workplace, NCPD recommended enhancing incentives for employing persons with disabilities in comparison to programmes addressed to the general population, such as reduced social security contributions, tax relief proportionate to the number of persons with disabilities employed and targeted provision of vocational training. In addition, coverage of expenditure on reasonable accommodation should be mainstreamed in all programmes, whether they target persons with disabilities or not.³⁰

³⁰ NCPD, Recommendations for enhancing the policies and actions of the Public Employment Service for persons with disabilities, 8 July 2020, <https://www.esamea.gr/our-actions/yeka/4874-protaseis-tis-e-s-a-mea-gia-tin-anabathmisi-ton-politikon-kai-draseon-toy-o-a-e-d-gia-ta-atoma-me-anapiria-i-kai-xronies-pathiseis>.

4 Illustrative examples of good employer practice for providing reasonable accommodations for persons with disabilities

4.1 Good practice guides for employers regarding reasonable accommodation

In the framework of the Regional Operational Programme of Central Macedonia (2014-2020), which was co-funded by ESF (and described in Section 2.6), a more detailed guide on implementing reasonable accommodation was published.³¹ The guide outlines a step-by-step approach for implementing reasonable accommodation:

- a. determining functional limitations in relation to the job description and the kind of support required for performing duties;
- b. determining the type of reasonable accommodation required in consultation with the employee with disabilities, who will typically know what support they require;
- c. implement the accommodation taking into consideration the needs and preferences of the individual as much as possible;
- d. monitoring whether the adaptation put in place enables the employee with disabilities to perform their duties on an equal basis with others, making adjustments as necessary.

The guide specifies examples of reasonable accommodation by type (e.g. built environment, staff regulations, re-training and provision of assistive technology) and by type of impairment (mobility, visual or hearing). Some examples offered include: ensuring a desk is accessible by a wheelchair user; replacing a written test with an interview during recruitment; flexible working hours; transfer to a sub-office closer to one's residence (if applicable); barrier-free routes; furniture and equipment at appropriate height for wheelchair users; alternative formats of printed information; visual alerts and use of written means of communication.³² There are, in addition, brief guidelines for recruiting, retaining and evaluating the performance of employees with disabilities (please see Section 5).

Finally, the guide includes a disability-friendly business checklist for self-assessment (please see Section 2.6) and practical information, including contact details, regarding the support measures and services available (from the Ministry of Labour and the Public Employment Service).

There is no evidence on how the guides are being used by employers or on any effect they are having.

³¹ European Centre of Constitutional Law (2019), *Guide on the Employment of Persons with Disabilities*, Athens, NCPD, <https://paratiritirioanapirias.gr/storage/app/uploads/public/5f8/755/bf3/5f8755bf32777484052933.pdf>.

³² European Centre of Constitutional Law, *Guide on the Employment of Persons with Disabilities*, pp. 10-18.

4.2 Any other sources of information regarding good practice for employers regarding reasonable accommodation

Key documents reviewed concerning the implementation of reasonable accommodation, such as relevant guides (please see Sections 2.6 and 4.1) and cases mediated by the Greek Ombudsman (2019, 2020), do not point to any specific good practice regarding reasonable accommodation.

Indicatively, cases related to direct or indirect discrimination in employment reported by the Ombudsman seem to have been resolved in most cases by imposing administrative penalties on businesses.³³ There is no evidence to show that the situation has improved in the latest report by the Ombudsman.³⁴

4.3 Examples of individual reasonable accommodations which reveal good practice

Information on real-life individualised reasonable accommodations standing out as good practice are not addressed in existing research or publications reviewed for the purposes of this report.

³³ Greek Ombudsman (2019c), *Special Report on Equal Treatment* (reference year 2018), https://www.synigoros.gr/resources/docs/ee_im_2019_el.pdf, p. 63.

³⁴ Greek Ombudsman (2020), *Special Report on Disability Rights*, https://www.synigoros.gr/resources/docs/ekthesi_stp_ohedikaiomata_amea_2020.pdf.

5 Recommendations and guidance regarding good practice and reasonable accommodation

5.1 Recommendations regarding good practice and reasonable accommodation in recruitment and hiring

The following recommendations are drawn from the good practice guide included in Section 4.1.³⁵

The advertisement of a vacancy should not seek information about the existence of impairment, and emphasis must be given to the objectives of the position rather than the means of performing duties. The advertisement must be available in accessible format and employers should proactively show preparedness to recruit candidates with disabilities. Vacancies should be disseminated through channels used by persons with disabilities including support organisations and representative bodies. Employers are further advised to proactively ask about any access requirements in preparation for the interview stage and whether reasonable accommodation would be required should the candidate be successful.

5.2 Recommendations regarding good practice and reasonable accommodation in initial employment

The following recommendations are drawn from the good practice guide included in Section 4.1.³⁶

For newly recruited staff with disabilities, the timely provision of reasonable accommodation-based individualised needs assessment, with direct consultation with the employee, is critical. At the same time, it is important to raise awareness among senior management and staff about the employer's obligations, and actively to portray the diversity of the company's human resources. Finally, employers should actively encourage and ensure equal access to professional development opportunities.

5.3 Recommendations regarding good practice and reasonable accommodation in promotion and career development

The following recommendation is drawn from the good practice guide included in Section 4.1.³⁷

Employers are encouraged to follow the exact same procedures and criteria as apply to any employee, that is to say there should not be any differential treatment for persons with disabilities. However, in the case of employees with disabilities,

³⁵ European Centre of Constitutional Law, *Guide on the Employment of Persons with Disabilities*, <https://paratiritirioanapirias.gr/storage/app/uploads/public/5f8/755/bf3/5f8755bf32777484052933.pdf>, p. 16.

³⁶ European Centre of Constitutional Law, *Guide on the Employment of Persons with Disabilities*, <https://paratiritirioanapirias.gr/storage/app/uploads/public/5f8/755/bf3/5f8755bf32777484052933.pdf>, p. 16.

³⁷ European Centre of Constitutional Law, *Guide on the Employment of Persons with Disabilities*, <https://paratiritirioanapirias.gr/storage/app/uploads/public/5f8/755/bf3/5f8755bf32777484052933.pdf>, p. 16.

employers should ensure that any necessary adaptations for them to exercise their duties are put in place first.

5.4 Recommendations regarding good practice and reasonable accommodation in retention, i.e. enabling people to stay in work if they develop an impairment or their impairment changes

The following recommendations are drawn from the good practice guide included in Section 4.1.³⁸

Some examples of retaining staff who developed an impairment during their employment with a company include a change in the nature of duties (e.g. from manual to back-office work), re-training on specific procedures or subject matter, a change of location of the workplace closer to the person's residence (if possible), and the instigation of flexible working hours.

³⁸ European Centre of Constitutional Law, *Guide on the Employment of Persons with Disabilities*, <https://paratiritirioanapirias.gr/storage/app/uploads/public/5f8/755/bf3/5f8755bf32777484052933.pdf>, p. 16.

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